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CANADA- UNITED STATES
A STRONG PARTNERSHIP

**Report
on the Implementation of the
Smart Border Action Plan**

October 3, 2003



Department of Foreign Affairs
and International Trade

Ministère des Affaires étrangères
et du Commerce international

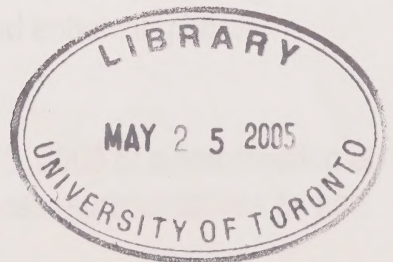
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MANLEY AND RIDGE RELEASE PROGRESS REPORT ON IMPLEMENTATION OF SMART BORDER ACTION PLAN

October 3, 2003

For immediate release

Toronto – Canadian Deputy Prime Minister John Manley and U.S. Secretary of Homeland Security Tom Ridge today released their fourth progress report on the Smart Border Action Plan. The report outlines the significant accomplishments in modernizing the Canada-United States border since the signing of the Smart Border Declaration on December 12, 2001. Highlights of progress since December 2002 include:

- the expansion by December 2003 of the FAST program for the expedited movement of low-risk goods to six new locations, and the addition of five enrolment centres;
- the expansion by December 2003 of the NEXUS program for the expedited movement of people to nine new locations, and the addition of two enrolment centres;
- completion of negotiations and an agreement in principle on the text of a legally binding bilateral agreement on science and technology cooperation for protecting our shared critical infrastructure and enhancing border security; and
- the scheduling on November 13, 2003 of a first meeting of Canadian and American business representatives as part

of ongoing consultations on the implementation of Smart Border initiatives.

“Canada and the United States have a long history of border and security cooperation, which has been greatly intensified over the past two years. We have made dramatic progress in creating a smart border that will enhance the security of our citizens while facilitating the flow of low risk trade and travellers,” said Deputy Prime Minister Manley. “The speed with which we have been able to expand programs like NEXUS, FAST and our Integrated Border Enforcement Teams demonstrates our commitment to making the smart border a reality.”

Secretary Ridge and Deputy Prime Minister Manley also announced progress in the discussions in the application of the Congressionally-mandated US-VISIT entry-exit program at the Canada-United States land border:

- the United States is proceeding initially at its international airports and seaports and has not yet finalized an implementation plan for the land border;
- Canadian and U.S. citizens would not be subject to the US-VISIT program under current U.S. policy; and

the two countries have committed to working together to identify a way to implement the program that minimizes the impact on border flows and the need for exit infrastructure at the Canada-U.S. land border.

“As we continue to develop our US-VISIT program, we need to ensure that it will enhance our national security while not impeding legitimate flows of trade and travel across our land border”, said Secretary Ridge. “Once again, we are showing what can be accomplished through cooperation and collaboration between our countries. By working together we can better reach our common goals of ensuring the security and prosperity of our citizens.”

SMART BORDER ACTION PLAN STATUS REPORT

October 3, 2003

In December 2001, Deputy Prime Minister John Manley and then-Governor Tom Ridge signed the Smart Border Declaration and companion 30-point Action Plan to enhance the security of our shared border while facilitating the legitimate flow of people and goods. The Action Plan has four pillars: the secure flow of people, the secure flow of goods, secure infrastructure, and information sharing and coordination in the enforcement of these objectives.

On September 9, 2002, Prime Minister Chrétien and President Bush met to discuss progress on the Smart Border Action Plan and asked that they be updated regularly on the work being done to modernize our common border. They also asked that the Smart Borders process be expanded to cover new areas of cooperation, including biosecurity and science and technology.

This status report is the fourth since the signing of the Smart Border Declaration.

#1 BIOMETRICS

Canada and the United States have agreed to develop common standards for the biometrics that we use and have also agreed to adopt interoperable and compatible technology to read these biometrics. In the interest of having cards that could be used across different modes of travel, we have agreed to use cards that are capable of storing multiple biometrics.

Our countries have begun to integrate biometric capabilities into new programs being deployed. For example, the NEXUS-Air pilot program will evaluate iris recognition technology and the new Canadian Permanent Resident Card is biometric-ready.

Both Canada and the United States have also worked with the International Civil Aviation Organization (ICAO) in identifying international standards for the use of biometrics in travel documents. This international cooperation allowed ICAO to announce, on May 23, 2003, that the facial recognition biometric had been selected as the globally interoperable biometric and has certified two other biometrics for secondary use.

#2 PERMANENT RESIDENT CARDS

Permanent Resident Cards have been issued since June 28, 2002 to all new immigrants arriving in Canada. On October 15, 2002, Canada began issuing Permanent Resident Cards to individuals landed prior to June 28, 2002 (existing permanent residents). To date, more than 500,000 cards have been issued to new immigrants and to existing permanent residents. Effective December 31, 2003, the IMM 1000 will no longer be recognized as a document valid for travel.

The Canadian permanent resident card contains features that make it one of the most fraud-resistant documents in the world. The card has been recognized by the International Card Manufacturers Association, winning the Elan Award for Technical Achievement.

#3 SINGLE ALTERNATIVE INSPECTION SYSTEM

NEXUS Highway is currently operational at the following border locations:

- Douglas, British Columbia/Peace Arch, Washington
- Pacific Highway, British Columbia/Blaine, Washington
- Boundary Bay, British Columbia/Point Roberts, Washington
- Sarnia, Ontario/Port Huron Michigan
- Windsor, Ontario/Detroit Michigan
- Ambassador Bridge
- International Tunnel

- Fort Erie, Ontario/Buffalo, New York
- Rainbow Bridge (October 1, 2003)

Future program expansion will include NEXUS lanes opening in the Fall of 2003 at the following sites:

- Niagara Falls, Ontario/New York (November 2003)
- Queenston-Lewiston Bridge
- Whirlpool Bridge
- Lacolle, Quebec/Champlain, New York (November, 2003)
- St. Armand-Philipsburg, Quebec/Highgate Springs, Vermont (November, 2003)
- Coutts, Alberta/Sweetgrass, Montana (November, 2003)

NEXUS Enrolment Centres are currently operational at the following locations:

- Blaine, Washington (joint NEXUS-FAST)
- Port Huron, Michigan
- Detroit, Michigan
- Fort Erie, Ontario (joint NEXUS-FAST)

Future Enrolment Centres are scheduled to be opened this Fall (2003) in Champlain, New York and at Coutts/Sweetgrass.

Canada and the United States are also working to implement a joint NEXUS - Air program for air travellers. NEXUS-Air will be piloted at Ottawa Macdonald-Cartier International Airport. Enrolment is scheduled to begin in March 2004.

#4 REFUGEE/ASYLUM PROCESSING

Canada and the United States have signed a Statement of Mutual Understanding (SMU) which will allow them to more effectively exchange information on immigration-related issues. An annex to the SMU has also been approved which will specifically allow both countries to systematically share information on refugee / asylum claimants who attempt access to our respective refugee determination systems. This will help each country identify potential security and criminality threats and expose "forum shoppers" who seek asylum in both systems. This exchange of information will be in accordance with the privacy laws of both countries.

#5 MANAGING OF REFUGEE/ASYLUM CLAIMS

On December 5, 2002, Canada and the United States signed a Safe Third Country Agreement that, once implemented, will allow both countries to more efficiently manage the flow of individuals seeking to access their respective refugee / asylum systems. The Agreement will cover refugee / asylum claims made at land border ports of entry.

The Agreement is bound by the principle of family re-unification in determining whether an individual would be exempted from the requirement of making a claim in the first country of arrival. The Agreement also clearly identifies that individuals making a claim in either country would not be removed to another country until a determination of that person's claim has been made. The Safe Third Country Agreement is very important to

both Canada and the United States as the two countries rationalize asylum procedures and seek to increase our security.

The United States is working diligently to bring the Agreement into force by means of implementing regulations issued by both the Department of Justice and the Department of Homeland Security. Most of the work on the U.S. regulations has been completed. The Department of Homeland Security will now focus its efforts to ensure, with the assistance of the Department of Justice, that proposed rules to implement the Agreement are issued in the near future. Canada prepublished its Safe Third Country regulations on October 26, 2002. Upon finalization of the regulations and standard operating procedures for both countries, the Safe Third Country Agreement will be implemented.

#6 VISA POLICY COORDINATION

Canada and the United States have agreed to enhance cooperation between our respective Embassies overseas, which will allow our officials to more routinely and more efficiently share information on intelligence and specific data concerning high-risk individuals. The two countries consult one another during the process of reviewing a third country for the purpose of either a visa imposition or visa exemption.

Canada and the United States share information to identify countries that pose security concerns with a view toward further cooperation on visa policy. In February 2002, the

United States announced that nationals of Argentina would require a visa to travel to the United States. In September 2002, Canada announced that citizens of Saudi Arabia and Malaysia would require visas to travel to Canada. Canada and the United States currently have common visa policies for 144 countries.

#7 AIR PRECLEARANCE

In support of the preclearance program, the two countries signed *"The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America"* on January 18, 2001. It allows for the expansion of in-transit preclearance to other Canadian airports and also has provisions that modernize the regime governing preclearance.

Following a formal exchange of diplomatic notes on May 2, 2003, at a ceremony attended by Ministers Graham and Collette and U.S. Ambassador Cellucci, the Canada-U.S. *Agreement on Air Transport Preclearance* was brought into force. The Agreement replaces the 1974 *Air Transport Agreement* and clearly identifies the authorities of U.S. Preclearance officers.

#8 ADVANCE PASSENGER INFORMATION / PASSENGER NAME RECORD

Canada implemented its Passenger Information system (PAXIS) at Canadian airports on October 8, 2002 to collect

Advance Passenger Information and began implementation of its Passenger Name Record program in July 2003.

Canada and the United States have agreed to share Advance Passenger Information and Passenger Name Records (API/PNR) on high-risk travellers destined to either country using a jointly developed risk scoring mechanism. The automated Canada-U.S. API/PNR data-sharing program will be in place by Spring 2004.

#9 JOINT PASSENGER ANALYSIS UNITS

Canada and the United States have agreed to a co-location of customs and immigration officers in Joint Passenger Analysis Units (JPAU) to more intensively cooperate in identifying potentially high-risk travellers. A six month pilot has run at Vancouver International Airport and Miami International Airport to examine the feasibility of the concept. A decision was made at the Shared Border Accord meeting in August to proceed with the JPAU until the end of November 2003 when the National Centre of Expertise (NCE) is established in Ottawa and the National Targeting Centre (NTC) is created in Washington, D.C. The NCE and the NCT will facilitate the exchange of API/PNR information on high-risk individuals between Canada and the United States. Three separate organizations participated: U.S. Department of Homeland Security Bureau of Customs and Border Protection (CBP); Citizenship and Immigration Canada (CIC) and Canada Customs and Revenue Agency (CCRA).

#10 MARITIME SECURITY AND FERRY TERMINALS

Canada and the United States have completed a marine benchmark study to enhance Canadian and U.S. border security and contraband interception. A status report on each of the recommendations, including next steps, is currently being compiled.

#11 COMPATIBLE IMMIGRATION DATABASES

Canada and the United States have begun discussions on collaborative enterprise architecture and database interfaces to facilitate regular information exchange. The importance of this issue is reflected in the Canada-U.S. commitment to enhance the interoperability of processes, systems and communications of Canadian and United States border and law enforcement agencies.

#12 IMMIGRATION OFFICERS OVERSEAS

Canada and the United States have deployed immigration officers overseas to deal with document fraud, liaison with airlines and local authorities, and work with other countries to ensure intelligence liaison and to interrupt the flow of illegal migrants to North America.

In the past year, Canada has deployed additional officers for this purpose, bringing the total number of staff engaged in these areas to more than 86. In 2002 and 2003, the United

States will deploy 85 new temporary officials with 40 new officials being deployed permanently.

Working together, Canada and the United States will continue to strengthen their capacity to ensure the integrity of their immigration programs, to combat document fraud, and to interdict irregular migrants.

#13 INTERNATIONAL COOPERATION

Canada and the United States continue to work together to provide technical assistance to developing countries to deal with threats to our shared security. Assistance includes improving document integrity, providing expertise on border controls, and joint training. Joint interdiction exercises and joint training programs assist countries in combatting document fraud and irregular migration. In addition, Canada and the United States have conducted joint presentations to our partners to promote internationally our border management strategy.

#14 HARMONIZED COMMERCIAL PROCESSING

Canada and the United States have established a joint program for low-risk companies that will expedite the movement of low-risk shipments in either direction across the border. The program, known as Free and Secure Trade (FAST), is currently available at the following high-volume border crossings:

- Pacific Highway, British Columbia / Blaine, Washington (December 31, 2002)
- Sarnia, Ontario / Port Huron, Michigan (December 16, 2002)
- Windsor, Ontario / Detroit, Michigan (December 16, 2002)
- Fort Erie, Ontario / Buffalo, New York (December 16, 2002)
- Queenston, Ontario / Lewiston, New York (December 31, 2002)
- Lacolle, Quebec / Champlain, New York (December 31, 2002)

FAST will be available at the following locations by December 2003:

- Stanstead (55), Quebec/Derby Line, Vermont
- St. Armand/Philipsburg, Quebec/Highgate Springs, Vermont
- Lansdowne, Ontario/Alexandria Bay, New York
- Emerson, Manitoba/Pembina, North Dakota
- North Portal, Saskatchewan/Portal, North Dakota
- Coutts, Alberta/Sweetgrass, Montana

Plans are being developed to have all 22 major commercial crossings FAST capable by the end of 2004. A new enrollment centre at Fort Erie, Ontario replaced the Buffalo, New York centre in July 2003.

In addition, FAST Enrollment Centres will be in place in the following locations by December 2003:

- Woodstock, New Brunswick/Houlton, Maine
- Stanstead (55), Quebec / Derby Line, Vermont
- Emerson, Manitoba / Pembina, North Dakota
- North Portal, Saskatchewan / Portal, North Dakota
- Coutts, Alberta / Sweet Grass, Montana

Canada and the United States are working to align other customs processes for all commercial shipments by 2005.

In April 2003, Canada announced its intention to adopt the 24-hour advance notification rule for commercial goods crossing the border used by the United States as part of their Container Security Initiative. The Canadian 24 hour rule will be implemented in April 2004. Efforts are currently underway to harmonize our respective 24-hour rules to the greatest extent possible.

In July 2003, Canada and the U.S. announced proposed harmonized rules for advance electronic cargo reporting for rail, air and highway mode.

#15 CLEARANCE AWAY FROM THE BORDER

Canada and the United States are developing approaches to move customs and immigration inspection activities away from the border to improve security and relieve congestion where possible.

Canadian and U.S. Customs Agencies continue working cooperatively with industry partners on the goal of improving security and facilitating the flow of trade goods by rail. Customs Agencies signed a Declaration of Principles with Canadian National Railway (CNR) and Canadian Pacific Railways (CPR) on April 2, 2003 that confirms roles and responsibilities. A Protocol Document between the CCRA and CBP, which outlines the conditions under which the CCRA will undertake examinations on behalf of CBP, is expected to be signed in November 2003.

CCRA continues to work with industry partners CNR and CPR to use detection equipment such as rail VACIS, and to implement a risk management approach for targeting and screening rail shipments. Standard Operating Procedures for the VACIS and the "exceptional circumstances" terms and conditions at Windsor and Sarnia, Ontario, are nearing completion for discussion with CNR and CPR.

#16 JOINT FACILITIES

Canada and the United States have established joint facilities at the following locations and more sites are under

consideration:

- Noyan, P.Q - Alburg Springs, Vermont;
- Climax, Saskatchewan – Turner, Montana;
- Carson, BC – Danville, Washington State; and,
- Little Gold Creek, Yukon – Poker Creek, Alaska.
- Coutts, Alberta – Sweetgrass, Montana (Fall, 2003)
- Osoyoos, British Columbia – Oroville, Washington (Fall, 2003)

#17 CUSTOMS DATA

Canadian and U.S. Customs agencies extended the scope of information they share through the signing of the Cooperation Arrangement for the Exchange of Information for the Purposes of Inquiries Related to Customs Fraud in December 2001.

This cooperation was further extended on April 23, 2003 with agreement between our customs agencies on the principles to be included in the exchange of information related to NAFTA rules of origin. This new agreement provides for the exchange of audit plans, audit reports, the results of advance rulings, and origin determinations and re-determinations.

Additional efforts are underway to streamline the process and identify further opportunities for exchanging information to address security and enforcement needs.

#18 CONTAINER TARGETING AT SEAPORTS

Through an innovative solution to ensure that containers can be examined where they first arrive, regardless of their ultimate

destination in North America, Canadian and U.S. Customs agencies have established joint targeting teams at five marine ports.

In the ports of Vancouver, Montreal and Halifax, U.S. officials aid Canadian customs officials in identifying which containers to examine. In the ports of Newark and Seattle-Tacoma, Canadian officials provide the same assistance to U.S. Customs agents.

The work of these teams will be facilitated through the electronic transmission of advance manifest data for incoming ships and the containers they carry. In March 2003, CCRA and U.S. Customs and Border Protection implemented a system whereby automated in-transit cargo information is shared between the two agencies and risk assessment is performed electronically using the U.S. Automated Targeting System in Halifax, Montreal, Vancouver, Newark and Seattle.

#19 INFRASTRUCTURE IMPROVEMENTS

Both governments have committed funds for border infrastructure. The Government of Canada has provided \$US 497 million under the new Border Infrastructure Fund and the Strategic Highway Infrastructure Program for physical and technological improvements at key border crossings. The *United States Transportation Efficiency Act for the 21st Century* also funds transportation projects along U.S. corridors and at border points along the Canada-United States border.

New funding will support FAST and NEXUS and facilitate the secure and efficient cross-border movement of people and goods, for example through dedicated lanes for commercial and passenger vehicles at the border between the British Columbia Lower Mainland and Washington state. A dedicated FAST/NEXUS lane at Bluewater Bridge at the Sarnia-Port Huron trade corridor is expected to open early in the new year.

Canada and the United States are working together at key border crossings to model traffic flows through computer simulations. The two countries established a bi-national border infrastructure/modelling group to analyse border congestion on an ongoing basis. Border modelling will ensure that border infrastructure investments are put to the most effective use.

#20 INTELLIGENT TRANSPORTATION SYSTEMS

Technology is being leveraged wherever possible towards the free and secure movement of people and goods across our borders. From biometric readers, through automated targeting systems, to modelling traffic flows at the border, technology serves as an important means for implementing the most efficient risk management approach to border security.

#21 CRITICAL INFRASTRUCTURE PROTECTION

Canada and the United States have agreed to a Joint Framework for Canada – U.S. Cooperation on Critical Infrastructure Protection (CIP) and have established a Bi-

national Steering Committee to assess threats to our shared critical infrastructure and ensure ongoing, high-level focus on the issue by both governments. The Steering Committee meets bi-annually bringing together Canadian and U.S. CIP representatives.

In August 2002, the Steering Committee met for the first time and established 8 working groups to address both sectoral and horizontal issues. The working groups are in the areas of energy, defence, telecommunications, transportation, mapping, interdependencies, R&D, and threats, warnings and information-sharing.

An agreement to establish food & agriculture and cyber security working groups was achieved at the March 2003 Steering Committee meeting.

An example of the work being done is the joint Canada-U.S. vulnerability assessment of shared critical energy infrastructure systems such as dams, electrical transmission lines and oil and gas pipelines. The Energy and Dams Working Group is conducting this work. The pilot project will be completed by March 2004 and will increase our knowledge of the infrastructure and how to enhance its protection.

#22 AVIATION SECURITY

Canada and the United States have agreed to recognize each other's national standards for security in airports and on board flights, and to coordinate measures that are essential to protecting our citizens. With the creation of the new federal

transportation security agencies and the augmentation of existing departments, the two governments have strengthened their respective capacities to set regulations, review standards, and monitor and inspect all air security services. The two governments have also assumed direct responsibility for security standards, and will work to identify best practices with a view to improving them.

#23 INTEGRATED BORDER AND MARINE ENFORCEMENT TEAMS

The Integrated Border Enforcement Team (IBET) is a multi-agency law enforcement team that emphasizes a harmonized approach to Canadian and United States efforts to target cross-border criminal activity. Two new Integrated Border Enforcement Teams (IBETs) were recently opened in the Superior and Okanagan regions. IBETs are now operational in all 14 IBET regions along the border. These teams will continue to enhance integrity and security at our shared border by identifying, investigating and interdicting persons and organizations that pose a threat to national security or are engaged in other organized criminal activity.

The two countries have also begun comprehensive training programs for IBET personnel to enhance their awareness and understanding of one another's laws and regulations. Four joint training sessions have been held with additional sessions planned in the near future. These initial training sessions will form the foundation of a long-term integrated training plan.

#24 JOINT ENFORCEMENT COORDINATION

The latest Canada-United States Cross-Border Crime Forum (CBCF) took place in May 2003 in White Sulphur Springs, West Virginia. At the CBCF, the Solicitor General of Canada, Wayne Easter, and U.S. Attorney General, John Ashcroft, made a number of announcements including:

- A joint Canada-U.S. 5-Year Report on Mass-Marketing Fraud, which will include a Joint Action Plan to continue combatting cross-border fraud;
- Two joint public advisories on Identity Theft, one for consumers and one for retail business;
- A new Integrated Border Enforcement Team (IBET) for the Prairie Region; and
- An agreement to update the U.S.-Canada border drug threat assessment.

Created in 1997, the CBCF includes a broad spectrum of representation from both countries including law enforcement agencies, prosecuting authorities, Customs, Immigration and Intelligence agencies.

Planning is currently underway for the next Cross-Border Crime Forum, which will be hosted by Canada in late Spring 2004.

#25 INTEGRATED INTELLIGENCE

The Government of Canada has established Integrated National Security Enforcement Teams (INSETs), which will include representatives from federal enforcement and intelligence agencies, as well as international law enforcement partners such as the U.S., on a case-by-case basis. Canada has also been participating since April 9, 2002, in the U.S. Foreign Terrorist Tracking Task Force (FTTTF) in Washington, to detect, interdict, and remove foreign terrorist threats.

#26 FINGERPRINTS

With the signing of the Memorandum of Cooperation on December 17, 2002, the RCMP and the FBI are implementing an electronic system for the exchange of criminal records information, including fingerprints, using a standard communication interface. The U.S. and Canada have shared fingerprint and criminal record information for over 50 years. The new electronic system will increase the efficiency of this longstanding practice.

#27 REMOVAL OF DEPORTEES

Canada and the United States are continuing cooperation in removing high risk individuals to source countries. To date, Canada and the U.S. have conducted eight joint operations resulting in 486 removals.

#28 COUNTER-TERRORISM LEGISLATION

President Bush signed anti-terrorism legislation on October 26, 2001. In Canada, the *Anti-Terrorism Act* came into force on December 24, 2001.

#29 FREEZING OF TERRORIST ASSETS

Canada and the United States have a working process in place to share advance information on individuals and organizations that may be designated as terrorist in order to coordinate the freezing of their assets. To date, Canada and the United States have designated or listed over 430 individuals and organizations.

#30 JOINT TRAINING AND EXERCISES

Canada and the U.S. have committed to conducting more frequent cross-border counter-terrorism training activities. In keeping with this commitment, Canada was invited to participate in TOPOFF2, a U.S.-led counter-terrorism exercise designed to improve domestic and cross-border preparedness for potential terrorist attacks using weapons of mass destruction. A series of counter-terrorism training activities culminated in the full-scale exercise in May, 2003. Canadian participation includes 17 federal departments and agencies with counter-terrorism and consequence management roles as well as the Province of B.C. TOPOFF2 is expected to provide the foundation for further joint training activities.

#31 BIOSECURITY

A bi-national working group is developing an action plan for collaboration on biosecurity issues. The work will reinforce and modernize external borders against shared risks to the food supply, to human, plant and animal health and to the environment on which these depend. The working group is examining how to synchronize enforcement procedures for managing risks at the shared land border, and to enhance cooperation in domestic biosecurity management. Ultimately, these efforts are intended to identify low-risk food imports and expedite their movement. An action plan for biosecurity collaboration will be completed by the end of October 2003.

#32 SCIENCE AND TECHNOLOGY COOPERATION

Canada and the United States have today reached an agreement in principle on the text of the bilateral agreement on science and technology cooperation in order to address gaps in existing arrangements between the two countries. It will enable any Canadian federal government agency to engage in co-operative research and development with any U.S. federal agency in the area of critical infrastructure protection and border security.

A Canada – U.S. research and development program of work is also being developed, and is expected by mid-October. The agreement in principle reached today will facilitate the implementation of this joint program of work.

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For more information:

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